

JUDICIARY

DATE 2-20-02

[illegible]

**MONTANA STATE SENATE
2007 LEGISLATURE**

VISITOR REGISTER

JUDICIARY

DATE 2-20-07

BILLS BEING HEARD TODAY SB 454, SB 482, SB 421

PLEASE PRINT SB 435, SB 486

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Patti Kandach	859-3315	Concerned Women for America CWA	SB 454		✓
Jeanette Zentgraf	273-3685	Concerned Women for America	SB 454		✓
Dallas Erickson	240-5277	MCNL	SB 454		✓
David Carter	697-6087	Yellowstone County AG	SB 486	✓	
Mike Murphy	235-4555	MWRA	SB 471 SB 435		X
Mike Brady	852-6278	Missoula Police	SB 486	✓	
Bonnie Franks-Dugan	449-2344	Self	SB 454	✓	
Eve Malo	683-4913	Self	SB 454	✓	
Sally Hilander	444-7461	Dept. of Corrections	SB 454		
Derek VanLuchene	495-9959	Ryan United	488	✓	
Karen Hargens	443-7794	MCADSV	454	X	
Wade Stasi	775-6378	Self	454	X	
Doug Doh	257-6200	Self	435+	✓	
Doug Doh	" "	Self	471	✓	
Judy Wang	552-6026	City of Missoula	SB 486	✓	
NEIL COLWELL	208-343-3821	AVISTA CORP	435/471		X
R. Blair Strong	509-455-6000	Avista Corp	435/471		X
Mike Kecskes	406-449-6811	SELF	SB 454		X
Debra Wolfe	406-495-9164	Self	SB 454	X	
Jane Hermanson	406-497-5097	Dis. Action Alliance DAAM	SB 454	✓	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

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NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Holly Franz	442-0005	PPL Montana	435/471		✓
John Youngberg	570-4103	MSBF	435/471		✓
Nina Bish	670-1668	DWC/HD 41	454	✓	
Linda Gryczan	431-3635	MT Q's Lobby	454	✓	
Teresa K. Henry	989-2471	DWTC / HD 96	454	✓	
Lynn Blum	227-6637	Eagle Forum	454		✓
COLLINS, Wilmo J.	459 2162	SELF	454	✓	
Beth Brenneisen	449-2344	MT Advocacy Program	454	✓	
Reed DIANE SANDS	257-2001	Self	454		
Gary Guthrie	443-7262	Self	454		✓
Beth Roberts		MT Family Foundation	454		✓
Travis McAdam	442-5506	MHRN	454	✓	
TOM EBERY		Arista, Pugh PGE Inc	435		✓
DAVID TOFFMAN	457-5300	PPL MT	435/471		X
Jon Allen	443-5541	WETA	435/471		X
Gill McArthur	443-3262	Self	435/471		✓
Linda Jackson	756-8344	Self (Sen. Juneau's Bill)	454		✓
Linda Jackson	756-8344	Self (Sen. Essman's Bill)	482	✓	
Pam Burke	444-9610	Information	482	inform.	
Mark Angeres	449-9933	MT TROUT Unlimited	471/475		
TOM EBERY	441-7331	PacificCorp	435		X

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

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Late

LaMoure, Jane

From: LaMoure, Jane
Sent: Tuesday, February 20, 2007 4:51 PM
To: 'Curtiss, Aubyn'; 'Essmann, Jeff'; 'Jent, Larry'; Juneau, Carol; Lane, Valencia;
'Laslovich, Jesse'; Moss, Sen. Lynda; 'O'Neil, Jerry'; 'Perry, Gary'; 'Wanzenried,
Dave'; 'Williams, Carol'
Cc: Bunke, Pam
Subject: Regarding Sex Offenders in Billings

Today during testimony there was a question of a sex offender living by the
Montessori School. We did find Phillip Jesse Yellow Robe aka Muscles.

2324 Rehberg Lane #16

He is a non-designated sex offender.

He is sentenced federally for abusive sexual contact.

He is not under the jurisdiction of the state Department of Corrections.

The second case of a sex offender close to the Bitterroot School on the bike path is
a sex offender by the name of Dennis M. Brelsford. His sentenced expired with
the Department on 12-2-05. The Billings Police Department is currently
investigating. The Department has no jurisdiction of this offender at this time.

If you have further questions, please do not hesitate to contact Pam Bunke @ 444-
9610 or pbunke@mt.gov.

Jane LaMoure
Dept. of Corrections
ph: 406.444.4333
fax: 406.444.7909
jlamoure@mt.gov

~Blessed are they who can laugh at themselves, for they shall never cease to be amused~

late

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R. Blair Strong
Partner
r.blair.strong@painehamblen.com

February 16, 2007

Senator Jesse Laslovich
Chairman, Judiciary Committee
Montana Senate
Helena, Montana

Re: Senate Bill 377

Dear Senator Laslovich:

On February 13, 2007, I testified on behalf of Avista Corporation in opposition to SB 377. I appreciate the opportunity to appear before your committee, however I would like to clarify my testimony in one respect. I stated that Avista had never made a call on existing water rights. and had objected due to special circumstances to only one application for a new water right permit. I would like to describe those special circumstances that led Avista to file and pursue an objection to the water right application of Thompson River Lumber Company (TRL).

In 2004, TRL applied for a surface water right to divert water from the Clark Fork River for a cogeneration power plant to be operated near Thompson Falls, Montana.

Attorney John Bloomquist represented TRL, and I represented Avista in a day-long contested evidentiary hearing before DNRC Hearing Examiner Charles F. Brasen of the DNRC. Hearing Examiner Brasen issued a recommended order denying the permit. In August, 2006, Mr. Bloomquist and I appeared before DNRC Hearing Examiner David A. Vogler to argue TRL's exceptions to the proposed order. Hearing Examiner Vogler denied TRL's exceptions and issued a final order denying TRL's application. TRL has not appealed the final order.

Several unique circumstances prompted Avista to pursue this objection:

1. Thompson River Lumber proposed to divert water from the Clark Fork River at Thompson Falls, directly upstream of Avista's Noxon Dam Reservoir. Unlike permits issued farther upstream and on tributaries, there was no issue that Avista's right would be immediately and directly impacted.

2. Thompson River Lumber had alternative sources of water available to it for its generation purposes. TRL's primary purpose in obtaining surface water was to diminish the expense associated with pumping and treating well water. However, it was never shown that costs associated with these alternative sources of water would prevent the Thompson River Co-Gen project from operating at a profit. In fact, TRL has recently applied to change one of its existing water rights for use at the cogeneration project. Avista has not objected to this change application.

3. Thompson River Lumber stated in its original water rights application that water was available for its use, because downstream hydroelectric projects had never made a call on junior water right users. Furthermore, Thompson River Lumber stated in its application that it would cease using river water if downstream hydroelectric projects made a "non-selective" call. Therefore, TRL's application sought to limit downstream water rights that had priority in a manner not allowed or required by statute.

4. Additionally, it was evident from the evidentiary hearing that Thompson River Lumber witnesses fundamentally misunderstood the nature of Avista's Noxon Rapids Dam, when they described it as a "run-of-the-river" dam. Therefore, issuance of a permit would have had the effect of perpetuating a misunderstanding or mischaracterization of Avista's project.

These exceptional circumstances, in total, resulted in Avista's objection in this unique application. However, this objection should not be viewed as an indication of how Avista necessarily intends to deal with other permit applications. The vast majority of these applications concern tributary water at a considerable distance from Avista's projects, and involve domestic or in-stream uses of water. They are vastly different from the unique circumstances associated with Thompson River Lumber Company's application.

Thank-you for consideration of this letter, as well as my testimony in the public hearing on SB 377.

Best regards,

R. Blair Strong

R. Blair Strong